

JUSTICE *at* Work

Employment Rights
Whistleblower Rewards
Sexual Harassment

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John Howley
Attorney

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Atty. Leandro “Lindy” Lachica: The Healthcare Professional’s Best Advocate *By John Howley*

The Howley Law Firm would not be where it is today without our secret weapon: Leandro “Lindy” Lachica

Lindy is an employment litigator with a fascinating twist. Before joining our law firm, he was a foreign diplomat who helped Filipino healthcare professionals in this country by working directly, government-to-government, with our state and federal Departments of Labor, U.S. Citizenship and Immigration Services, and other government agencies.

After earning undergraduate and law degrees from the University of the Philippines, Lindy began his legal career as a litigator with a prominent law firm in Manila. He practiced there for several years before deciding to join the Philippine Foreign Service.

As a diplomat, Lindy helped literally thousands of Filipino nurses, doctors, and other healthcare professionals.

Since joining The Howley Law Firm, Lindy has helped our clients resolve their employment and immigration issues.

Lindy worked his way up the ladder as a career diplomat with the Philippine Department of Foreign Affairs. This led to an appointment as Vice Consul and Third Secretary of the Philippine Embassy in Australia. He spent much of his time in that post helping the very large Filipino expat community address problems and concerns with labor, employment, and immigration issues. In his spare time, he earned a Graduate Diploma in Legal Practice from the Australian National University in Canberra, and gained admission to practice as a solicitor in New South Wales, Australia.

Lindy’s next posting was in New York, where he served as Consul of the Philippine Consulate General. As Consul, Lindy was the senior legal officer responsible for representing the Philippine Government in the United States and helping Philippine citizens with employment and immigration issues.

As a diplomat, Lindy helped literally thousands of Filipino nurses, doctors, and other healthcare professionals resolve disputes involving employment contracts, overtime and prevailing wages, discrimination, hostile work

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HOW WE CAN HELP

At The Howley Law Firm, we are passionate about helping individuals seek justice. After many years defending multinational corporations, we formed this law firm to give individuals like you the same high-quality legal representation. We focus on representing individuals in the areas of employment rights, whistleblower rewards, and sexual harassment cases. Learn more at www.HowleyLawFirm.com

FREE GUIDE *Fight Back Against Sexual Harassment and Hostile Work Environments*



Learn how to recognize sexual harassment and a hostile work environment, how to respond, how to build your case for compensatory and punitive damages, and how to protect your reputation and career. **Claim your FREE copy at www.SexualHarassmentBook.com**



Would This Ever Happen to You?

Richard is a Black man who served in the U.S. Airforce. One day he swiped his Metrocard in the subway and it wouldn't work. He stepped aside, retrieved another Metrocard from his wallet, and went back to the turnstile.

A police officer grabbed his arm and arrested him for “selling swipes.” Richard tried to explain to no avail as he was put in handcuffs. The prosecutor dropped the charges, but that was not the end of Richard’s troubles.

Richard’s employer fired him based on the arrest. Then they challenged his unemployment benefits. Then Richard had to appeal. Months later, after he was evicted from his

apartment, he was finally awarded unemployment benefits.

Richard filed a discrimination lawsuit against his employer when he learned that the president of the company and another white employee had continued working after arrests on serious charges. When the company moved to dismiss his complaint, Richard asked for our help.

At a settlement conference, we took a hard line and the judge asked to speak

with me separately. “This isn’t one of your class actions, Mr. Howley. This is a very, very small case,” she said. “Why are you handling such a small case?” My response was simple. “Judge, we both know that none of this would have happened to me as a white man.”

The employer ultimately agreed to our settlement terms. Richard has a new job that pays more than the last one. And his willingness to keep pushing for justice inspires mine. ■

AN AMERICAN SICKNESS: How *Healthcare* Became *Big Business* and How You Can Take It Back

The American healthcare system is at once the most innovative and the most frustrating in the world. It consumes more than 17% of GDP and at the same time creates some of the best-paying jobs. It is responsible for both miraculous, life-saving cures and more personal bankruptcies than any other industry.

In *An American Sickness: How Healthcare Became Big Business and How You Can Take It Back*, Elisabeth Rosenthal explains in plain English how this vital part of our lives actually works. Drawing on her experience as a physician, and employing her writing skills as a *New York Times* columnist, she describes what has gone wrong and how we can make it right.

This very readable book reveals the “dysfunctional medical market” that has little to do with patient-centered, evidence-based medical care. She

explains the pressures that have steadily driven up costs, including the adoption of big-business models by hospitals and the insurance companies’ convoluted coverage and payment schemes.

Rosenthal identifies the root cause of our problems simply and succinctly: “Our healthcare system today treats illness and wellness as just another object of commerce: revenue generation.” This focus on revenue generation too often causes physicians and patients alike to feel a sense of powerlessness.



This very readable book reveals the “dysfunctional medical market” that has little to do with patient-centered, evidence-based medical care.

Rosenthal’s prescription for now is also simple and succinct: Question everything, especially your billing statements and insurance company explanations of benefits (EOBs). Given the “false choice of your money or your life,” Rosenthal says, “it’s time for us all to take a stand for the latter.” ■

ETHICALLY *and* COMPETENTLY Representing WHISTLEBLOWERS

Many lawyers have a misconception about *qui tam* or whistleblower claims. They think you simply draft a complaint, file it under seal, and then let the government do all the work.

Nothing could be further from the truth.

The False Claims Act requires your client to disclose substantially all the evidence supporting their claims in a disclosure statement at the start of the case.

If you want your client's case to stand out, you need to file the equivalent of a summary judgment motion with exhibits and data. You need to provide a roadmap

to what other evidence exists, where it can be found, and how it can be accessed. You also need to identify potential witnesses and describe their backgrounds and knowledge in as much detail as possible. And you must gather this evidence without discovery and without letting anyone know that you are preparing to file a *qui tam* action.

Next, you need to be prepared to protect your client from serious risks.

You and your client will meet with the government after the disclosure statement is submitted. In most cases, you will meet with a prosecutor on the civil side, a prosecutor on the criminal side, two FBI agents, and investigators from other relevant agencies.

At some point, they will ask your client: "So, how do you know so much about all this

illegal activity?" "When did you first become aware of this illegal activity?" "Why did it take you so long to let us know?"

Even if your client is completely innocent of any involvement in the fraud, how they gathered evidence may create risks.

As the lawyer handling this type of case, you need to be prepared to protect your client from serious risks.

For example, did your client download data from computer files that they were not authorized to access? If so, they may have committed serious computer crimes. And you may personally face ethical or criminal charges if you mishandle illegally-obtained information.

You need to know the answers to these questions and more before you even think about filing a *qui tam* complaint and disclosure statement.

My advice? If you do not have all the whistleblowing, substantive law, and criminal defense experience necessary to take on a *qui tam* case, then call us to discuss a referral or co-counsel relationship. ■

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Atty. Leandro "Lindy" Lachica:
The Healthcare Professional's Best Advocate

environments, and human trafficking. He also supported the efforts of private lawyers pursuing employment-related class actions.

Through this work, Lindy gained unique insights into the employment issues faced by healthcare professionals and how best to help them. He also gained experience as a lawyer in the state and federal courts in New York.

Since joining The Howley Law Firm, Lindy has used all of his experience to help our clients resolve their employment and immigration issues. He has been especially helpful to our healthcare professional clients in employment disputes, including most recently in our victories for Filipino nurses and physical therapists in prevailing wage lawsuits.

Best of all, Lindy is one of the most thoughtful human beings you will ever meet. ■

-John

You're Our Hero

The best way for a client to find us is through a referral. The client feels less stressed knowing that you trust us. We take that trust very seriously. Our number one priority is making you the hero of the story by validating your trust to the client. We want the client to come back to you and say, "Thank you for sending me to great lawyers."

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 Watch Our Videos on YouTube:
www.youtube.com/johnhowleyesq

A Personal Message From John Howley

I'm pleased to announce that we've moved to a new office space and our address has changed. Our new office address is:

The Howley Law Firm P.C.
1345 Avenue of the Americas, 2nd Floor
New York, New York 10105



HOW WE CAN HELP

We focus on representing individuals in the areas of employment rights, whistleblower rewards, and sexual harassment cases. Learn more at www.HowleyLawFirm.com

Going Back to Normal? Let's Go Forward to BETTER!

By John Howley

While I have missed the camaraderie of judges and lawyers, and I cannot wait to stand before a jury again, our courts have finally been forced to adopt efficiencies that should have been adopted long ago.

Routine court conferences and motions are now completed in half an hour by phone or videoconference instead of taking up half a day going to the courthouse, waiting for your case to be called, and then going back to your office. I've even argued and won two appeals in the U.S. Court of Appeals for the Second Circuit from my home office "studio."

Once you get the hang of it, most depositions can be taken via

videoconference. Interrogating a witness who is staring at you on a computer screen, and controlling what portions of the document are shown on the screen, can often give you more control than an in-person deposition.

Many settlement negotiations can also be conducted remotely. **I've settled more than a dozen cases during this pandemic with mediators going into separate Zoom "rooms" with the parties.**



My home office "studio."

While we still meet with clients in person, many clients find it more convenient to meet and share documents over a secure videoconference. No need to take time off from work. No worries about who will watch the children. No traffic or train delays.

How has the pandemic caused you to go forward to better? Go to www.Forward2Better.com and join the conversation. ■